

Application Serial No. 10/658,489
Examiner: J.A. Nelson
Art Unit: 3644

PATENT
M&G No. 09188.0227US01

Remarks

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 8-10 and 12 have been amended, and are supported, for instance in the original claims. Allowable claims 8-10 have been written in independent form, and claim 12 has been amended to depend from claim 8. Claims 1-7 and 11 are canceled without prejudice or disclaimer. Claim 14 has been added and is supported, for instance, in the original claims 8 and 12-13. No new matter has been added. Claims 8-10 and 12-14 are pending.

Claim 8 is objected to for informalities. Applicants respectfully traverse the objection, and respectfully request reconsideration in view of the following comments.

Claim 8 is objected to for the typographical error "from *th* bottom" at line 6. Applicant respectfully submits that claim 8 recites "from the bottom" as originally filed. Thus, Applicants respectfully submits that no correction is necessary. Withdrawal of the objection is respectfully requested.

Claims 1-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lake (U.S. Patent No. 3,735,738). Claims 1-6 and 11 have been canceled without prejudice or disclaimer, rendering the rejection moot. Applicants do not concede the correctness of the rejection. Withdrawal of the rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (U.S. Patent No. 3,735,738). Claim 7 has been canceled without prejudice or disclaimer, rendering the rejection moot. Applicants do not concede the correctness of the rejection. Withdrawal of the rejection is respectfully requested.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (U.S. Patent No. 3,735,738) in view of Waldman (U.S. Patent 5,090,358). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 12 has been revised to depend upon claim 8, now allowable in independent form. Thus, claims 12 and 13 also are allowable for at least the same reasons as claim 8.

Favorable consideration and withdrawal of the rejection are respectfully requested.

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With respect to added claim 14, this claim includes the features of original claims 1 and 12-13. Claim 14 recites that the accessory includes a background sheet fixed inside the tank close to and covering the rear wall, where the background sheet extends close to and covering the left and right side walls, turning smoothly round the corners between the walls.

The present invention of claim 14 provides an advantageous background sheet fixed inside the tank, so that it can completely conceal a pipe and conduit that may be located at rear corners of the aquarium. (Page 10, lines 13-14.) In this manner, the background sheet can also allow for an enhanced visual effect with a panoramic wide-screen background scene, which can conveniently be removed for cleaning or replacement. (Page 11, lines 3-5, Page 10, lines 23-25, and Figures 1 and 7.)

The prior art of record does not teach or suggest the features of claims 14 or 15.

Lake (U.S. Patent No. 3,735,738) does not teach or suggest a background sheet being used inside the tank close to and covering the rear wall; or extending close to and covering the left and right side walls, turning smoothly round the corners between the walls. Waldman (U.S. Patent No. 5,090,358) does not provide what is missing from Lake. Waldman discloses a background scene 88 installed in a slot 70 that is defined in a space between the exterior of a backpanel 62B and the interior of a backplate 36. (Col. 5, lines 16-61 and Figure 6.) The background scene is mounted by way of insertion, and is mounted on the external side of the rear pane of its tank. The background scene of Waldman is mounted outside of the tank. Waldman does not teach or suggest a background sheet that is fixed inside the tank, and which can come into contact with the water. There is no suggestion in Waldman to fix its background scene inside the tank. The cited reference would not reasonably expect to derive the features or enjoy the advantages of the present invention. Thus, Waldman does not teach or suggest the features of claim 14, and does not remedy the deficiencies of Lake.

Suchowski (U.S. Patent No. 3,730,138) also does not provide what is missing from Lake. Suchowski discloses a background sheet 10 that is suspended by hook-like clips 11 from the upper rear rim 12 of the aquarium tank 13. (Col. 2, lines 54-64 and Figures 1-2.) Suchowski provides a background scene that hangs from the back and is positioned on the external side of the rear side of the fish tank. In Suchowski, the background scene is not fixed inside the tank so as to be in contact with the water. There is no suggestion or expectation in Suchowski to fix its

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background scene inside the tank. The cited reference does not contemplate or enjoy the advantages of claim 14. Thus, Suchowski does not teach or suggest the features of claim 14 and does not remedy the deficiencies of Lake. Accordingly, Applicants respectfully submit that claim 14 is allowable for at least these reasons.

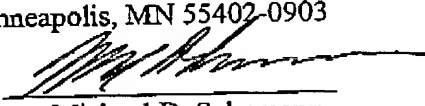
With the above amendments and remarks, Applicants believe that the claims now pending are in a condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully Submitted,

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